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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,231	09/12/2001	Claude Dreulle Maurice	EDV/MAE BET 01/0599	2580

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EXAMINER

WALKER, KEITH D

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,231

Applicant(s)

MAURICE ET AL.

Examiner

Keith Walker

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16, 18, 19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 18, 19, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I, Claims 9-16 in the reply filed on 5/2/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 9-11, 13, 14 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2,172,266 (Whitaker).

Regarding claims 9, 10, 11 & 16, Whitaker teaches a stacked storage assembly with two parallel sidewalls having a folded edge that form a floor support having an air space between the walls (Figs. 1, 3 & 5; 3:60-75, 4:70-75, 5:40-55).

Regarding claims 13 & 14, the ends have doors with lugs to act as hinges and a lug to secure the door (Fig. 4 & 9; 5:40-55, 6:60-75).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 9-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,056,677 (Toyosawa).

Toyosawa teaches a box for holding different articles. The box has a pair of horizontally opposed parallel wall elements with a folded edge to form a floor support (Figs. 1a, 1b, 4a, 4b; 3:40-4:55). The box has battery retention means.

While Toyosawa is silent to the stacking of the box holders, it would be obvious to one skilled in the art to stack multiple boxes to provide a means for storing multiple items, such as batteries.

3. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,916,161 (Schaefer) in view of US Patent 5,444,123 (Beckley)

Regarding claims 9, 10 & 16, Schaefer describes a stackable unit comprising a plurality of boxes having two sidewalls extending parallel. The pair of horizontally opposed wall elements forms a floor support (Fig. 1). Each box has at least one folded edge for each wall forming a support (Fig. 1).

Regarding claim 11, the floor of each box constitutes a battery retention means (Fig. 1).

Regarding claim 12, the removable posts extending through the folded edges also act as a retention means (2:33-37, Fig. 1).

Regarding claim 13, each of the end plates has a pair of fixing lugs (Fig. 1).

Regarding claims 14 & 15, the assembly has openings at the top of each bin and the lip of each bin provides a handling point (Fig. 1).

Schaefer does not teach a space between the walls such that a base area of the battery is unsupported and exposed.

Beckley teaches providing the housing with vent holes (Fig. 7, 9:15-20). The holes allow the air to circulate around the battery allowing the batteries to operate at a cooler temperature.

Therefore it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the plurality of stacked boxes with the vent holes of Beckley so the base of the batteries have a means of ventilation so as to keep the batteries operating efficiently.

4. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,916,161 (Schaefer) in view of US Patent 6,326,103 (Ido).

The teachings of Schaefer as discussed above are incorporated herein.

Schaefer does not teach a space between the walls such that a base area of the battery is unsupported and exposed.

Ido teaches a housing with holes in the bottom for ventilation (Fig. 2, 7:30-40, 9:42-50). The holes allow air to circulate up from the bottom and remove the heat of the

batteries out the top of the housing. This circulation keeps a temperature balance within all the batteries.

Therefore it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the boxes of Schaefer with the ventilation holes of Ido to keep the batteries operating at a cooler and more constant temperature.

Response to Arguments

Applicant's arguments with respect to claims 9-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 1745

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith Walker whose telephone number is 571-272-3458. The examiner can normally be reached on Mon. - Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K. Walker

MARK RUTHKOSKY
PRIMARY EXAMINER
Mark Ruthkosky 7-24-2006